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*Co-Counsel for Debtors and
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re:

BED BATH & BEYOND INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

**NOTICE OF CANCELLATION OF
BUYBUY BABY GOING-CONCERN AUCTION**

PLEASE TAKE NOTICE that on April 25, 2023, the United States Bankruptcy Court for the District of New Jersey (the “Court”) entered the *Order (I)(A) Approving the Auction and Bidding Procedures, (B) Approving Stalking Horse Bid Protections, (C) Scheduling Bid Deadlines and an Auction, (D) Approving the Form and Manner of Notice Thereof, (E) Approving the Form APA, and (II)(A) Establishing Notice and Procedures for the Assumption and Assignment of Contracts and Leases, (B) Authorizing the Assumption and Assignment of Assumed Contracts, (C) Authorizing the Sale of Assets and (D) Granting Related Relief* [Docket No. 92] (the “Bidding Procedures Order”)² in the chapter 11 cases of the above-captioned debtors and debtors in possession (collectively, the “Debtors”), by which the Court approved procedures setting forth the

¹ The last four digits of Debtor Bed Bath & Beyond Inc.’s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor’s tax identification number may be obtained on the website of the Debtors’ claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.’s principal place of business and the Debtors’ service address in these chapter 11 cases is 650 Liberty Avenue, Union, New Jersey 07083.

² Capitalized terms used but not defined in this notice have the meanings given to them in the Bidding Procedures Order or the Notice of Initial Winning Bidder, as applicable.

process by which the Debtors were authorized to conduct an auction or auctions (the “Auction” or “Auctions”) for the sale of any portion, all, or substantially all of the Debtors’ Assets.

PLEASE TAKE FURTHER NOTICE that, on June 28, 2023, at 10:00 a.m. (prevailing Eastern Time) the Debtors conducted an Auction (the “Baby IP Auction”) with respect to intellectual property assets related to the Debtors’ buybuyBABY brand (the “Baby IP Assets”) pursuant to the Bidding Procedures Order, at the offices of Kirkland & Ellis, LLP, 601 Lexington Avenue, New York, New York 10022, and via videoconference arranged by counsel to the Debtors.

PLEASE TAKE FURTHER NOTICE that, on June 29, 2023, following the conclusion of the BABY IP Auction, the Debtors filed the *Notice of (I) Initial Winning Bidder and Backup Bidder with Respect to June 28, 2023 Auction for BABY IP Assets and (II) Amendment of Certain Dates and Deadlines Related to the Debtors’ Bidding Procedures* [Docket No. 1124] (the “Notice of Initial Winning Bidder”), announcing that the Debtors, in consultation with Consultation Parties, had selected Dream on Me Industries, Inc. as the Successful Bidder solely with respect to the BABY IP Assets, subject to topping by a higher or otherwise better Bid at the BABY Going-Concern Auction scheduled for July 7, 2023.

PLEASE TAKE FURTHER NOTICE that the Debtors did not receive any higher or otherwise better Bids for a BABY Going-Concern Transaction, and accordingly, **the Debtors, in accordance with the Bidding Procedures Order and in consultation with the Consultation Parties, hereby cancel the BABY Going-Concern Auction.**

PLEASE TAKE FURTHER NOTICE that, the Debtors will seek approval of the sale of the BABY IP Assets (the “BABY IP Sale”) at the Sale Hearing already scheduled for July 11, 2023, at 2:00 p.m. prevailing Eastern Time (the “BABY IP Sale Hearing”) before the Honorable Judge Papalia, at the United States Bankruptcy Court for the District of New Jersey, 50 Walnut Street, 3rd Floor, Courtroom 3B, Newark, New Jersey 07102, or conducted consistent with the procedures established pursuant to the Court’s standing orders regarding remote hearings in bankruptcy cases due to the COVID-19 pandemic, all of which are facilitated via Zoomgov.

PLEASE TAKE FURTHER NOTICE that, through the BABY IP Sale, the Debtors will not assume or assume and assign any executory contracts or unexpired leases in connection with the BABY IP Sale, and accordingly, **the Debtors do not intend to proceed on any objections related to Cure Payments during the BABY IP Sale Hearing.**

Dated: July 6, 2023

/s/ Michael D. Sirota

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